

CEDA Regional Planning Commission
Regular Meeting – 2 p.m.
Thursday, July 7, 2005

County Offices – Municipal Courts
Building
Public Chambers
5th Floor, 50 East Columbia Street
Springfield, OH 45502

AGENDA

- | | |
|--|------------------------------------|
| 1. Minutes – June 2, 2005 (Regular) | <i>Discussion &
Action</i> |
| 2. Rezoning Case Tom and Vikki Burnett
S-2005-6 Springfield Township ~ 2 acres
3404 W. National Rd.
B-3 to S (Specific Use Control District) | <i>Discussion &
Action</i> |
| 3. City of Springfield Zoning Amendments
05-ZA-2 | <i>Discussion &
Action</i> |
| 4. Staff Comments | <i>Discussion</i> |
| 5. Adjournment | <i>Action</i> |

www.clarkcountyohio.gov/planning

Rezoning Case # S-2005-6

To: CEDA Regional Planning Commission	Date of Meeting: July 7, 2005
From: Planning Staff	Date of Report: June 29, 2005

Applicant: Tom & Vikki Burnett

Owner: Tom & Vikki Burnett

Request Action: Rezone from- B-3 (General Business District) to
S - Specific Use (Auto & Truck Sales & Repair)

Purpose: Auto & truck sales & repair

Location: SPRINGFIELD TWP. - 3404 W. National Rd.

Size: 2.00 acres

Existing Land Use: Auto, truck & trailer sales, car storage

Surrounding Land Use and Zoning

	<i>Land Use</i>	<i>Zoned</i>
<i>North</i>	residential	R-1 (Single Family Residential) & A (Agricultural)
<i>South</i>	campgrounds & residential	R-1 (Single Family Residential) & A (Agricultural)
<i>East</i>	commercial & residential	R-1 (Single Family Residential) & A (Agricultural)
<i>West</i>	commercial, Rockway School & residential	B-3 (General Business) & A (Agricultural)

ANALYSIS

This property was zoned B-3 (General Business District) in 1968. Rezoning to an I-2 District was submitted in March 2005, however this was not approved.

REPORTS FROM OTHER AGENCIES

County Engineer

The County Engineer has reviewed the request to rezone the property located at 3404 W. National Road, from B-3 zoning to a S Specific Use Zoning district for Auto/Truck Sales & Service.

Access to a major roadway (W. National Road) is directly available, via an existing drive. Changes or modifications to property may require the applicant to secure an updated access permit from Ohio Department of Transportation, District 7.

Drainage appear adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, will require the development of storm water facilities to address accelerated runoff and erosion control issues. In addition, the rear portion of the two-acre tract is steeply graded, in excess of 12%. This could be a concern, relative to constructability of the site and possible erosion problems due to the steep terrain.

Based upon our review of access and drainage, there are no . (See June 21st, 2005 letter)

Soil Conservation

The Clark Soil & Water Conservation District has reviewed the site and provided the following information relative to soils and drainage. There are existing structures on this site. The proposed rezoning, as indicated above, should not significantly impact soils and drainage. (See June 14th, 2005 letter)

County Health Department

No report. This property is commercial and regulated by OEPA.

Ohio Department of Transportation

(Comments from previous report)

ODOT has no adverse comments on the rezoning from B-3 to I-2. However, we will want to do a review of detailed plans to determine if there is a change in use of the property, as per Section 2.10 of the State Highway Access Management Manual. Also, any work to be done in the State right-of-way will require a permit.

Planning Department

The **CROSSROADS** Comprehensive Land Use Plan indicates this area is low density residential development (2 to 4 dwellings per acre - gross density) Neighborhoods should be designed to connect with existing adjacent residential areas through stub street extensions. Clustering techniques should be considered to provide a transition to rural areas. Supporting commercial uses are not appropriate given the low density.

The surrounding area has a mix of uses but there is no other industrial use in the area. This case was before CEDA in April 2005 as a request for a I-2 District which was denied. The applicant refiled for a request to rezone to a 'S' Specific Use.

RECOMMENDATION

The Staff recommends approval of this rezoning to the 'S' Specific Use for Auto & Truck Sales & Repair.

Attachments:

County Engineer's letter

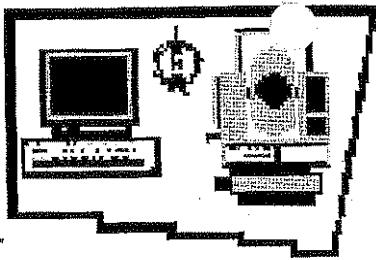
Soil & Water Conservation District's Letter

Location Map

Zoning Map

Lot Photo

Springfield Township zoning text



Clark County
Engineer's Department
4075 Laybourne Rd Springfield, Ohio 45505-3613
Bruce C. Smith, P.E., P.S.
Clark County Engineer

Office # (937) 328-2484

Fax # (937) 328-2473

www.clarkcountyohio.gov/engineer

June 21, 2005

Clark County Planning Commission
25 West Pleasant Street
Springfield, Ohio 45506
Attention: Phil Tritle, Planner

Re: **Rezoning Request S-2005-6**
2.00 acres from B-3 to S District
3404 W. National Road

Mr. Tritle,

The County Engineer has reviewed the request to rezone the property located at 3404 W. National Road, from B-3 zoning to a S Specific Use Zoning district for Auto/Truck Sales & Service.

Access to a major roadway (W. National Road) is directly available, via an existing drive. Changes or modifications to property may require the applicant to secure an updated access permit from Ohio Department of Transportation, District 7.

Drainage appear adequate under the present use, however additional buildings, parking areas, etc. that encompass more than 1 acre, will require the development of storm water facilities to address accelerated runoff and erosion control issues. In addition, the rear portion of the two-acre tract is steeply graded, in excess of 12%. This could be a concern, relative to constructability of the site and possible erosion problems due to the steep terrain.

Based upon our review of access and drainage, there are no objections to the requested change.

Sincerely,

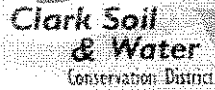
Bruce C. Smith P.E., P.S.
Clark County Engineer

Kenneth D. Fenton
Deputy Engineer

Cc: Springfield Township

Donald Boyle – Road Superintendent
Paul W. DeButy P.E. – Design Engineer
Kenneth D. Fenton, P.S., Deputy Engineer
Doug Frank – Bridge Superintendent
Pamela Fulton – Office Assistant

William A. Pierce, P.S. – LIS Director
Shayne Gray – GIS/CAD Coordinator
Mark Niccolini – Ditch Maintenance Supervisor
Lew Richards – Traffic Supervisor
Ned G. Weber, Deputy Engineer



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With the Right to Own - Goes the Duty to Conserve

BOARD OF SUPERVISORS

Paul Snyder, Chairman
Alan Donaldson, Vice Chairman
John Ritter, Treasurer
David Stickney, Fiscal Agent
Adam Agle, Secretary

June 14, 2005

Mr. Phil Tritle
Clark County Planning Department
25 West Pleasant St.
Springfield, OH 45506

RE: S-2005-6 ~ Burnett ~ 2 acres
B3 to I2S ~ 3404 W. National ~ Springfield Twp.

Dear Mr. Tritle,

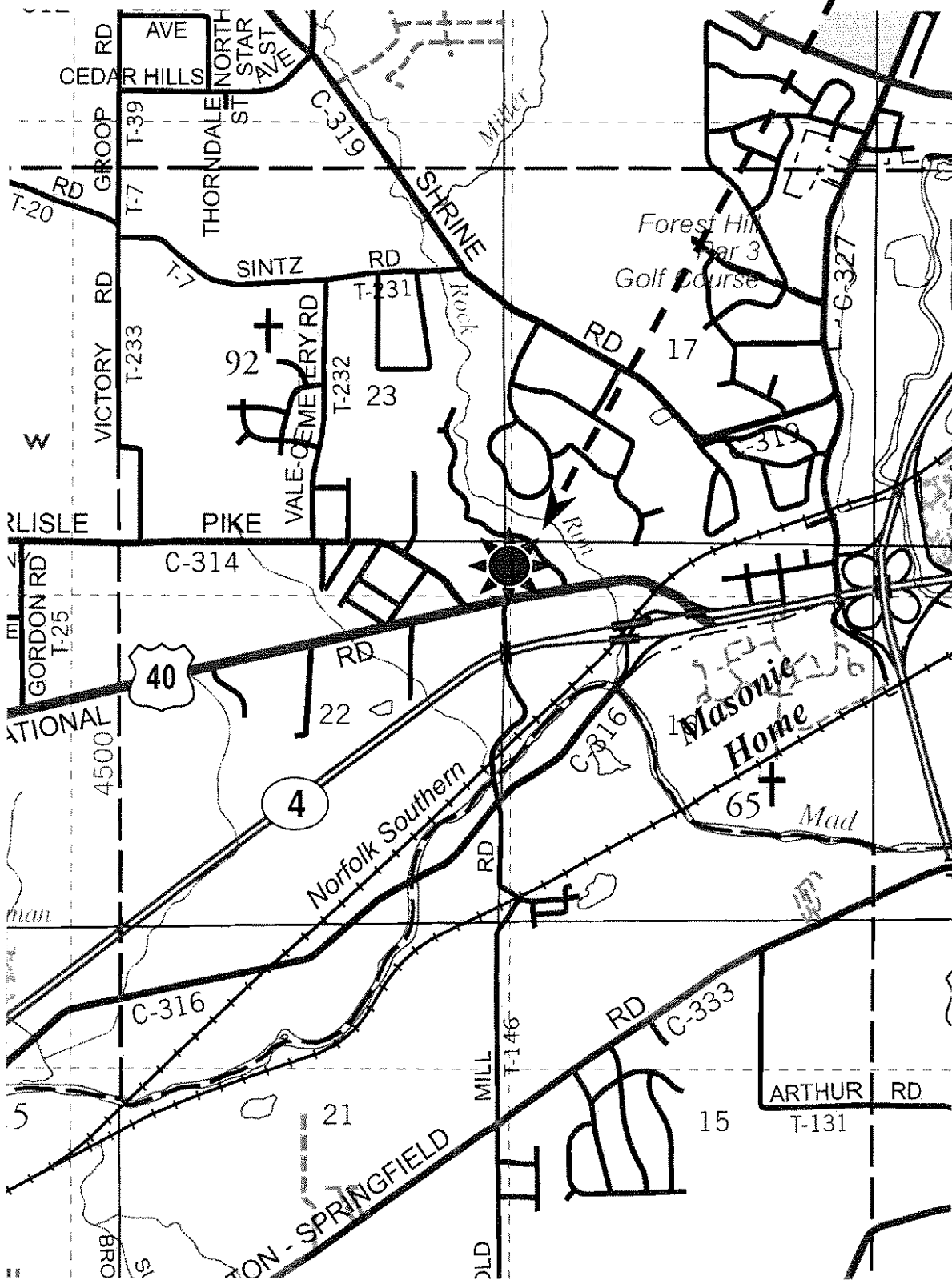
The Clark Soil & Water Conservation District has reviewed the site and provided the following information relative to soils and drainage. There are existing structures on this site. The proposed rezoning, as indicated above, should not significantly impact soils and drainage.

This office does not object to the above request, as proposed.

Respectfully,

Christine Pence, CPESC
Urban Coordinator

LOCATION MAP

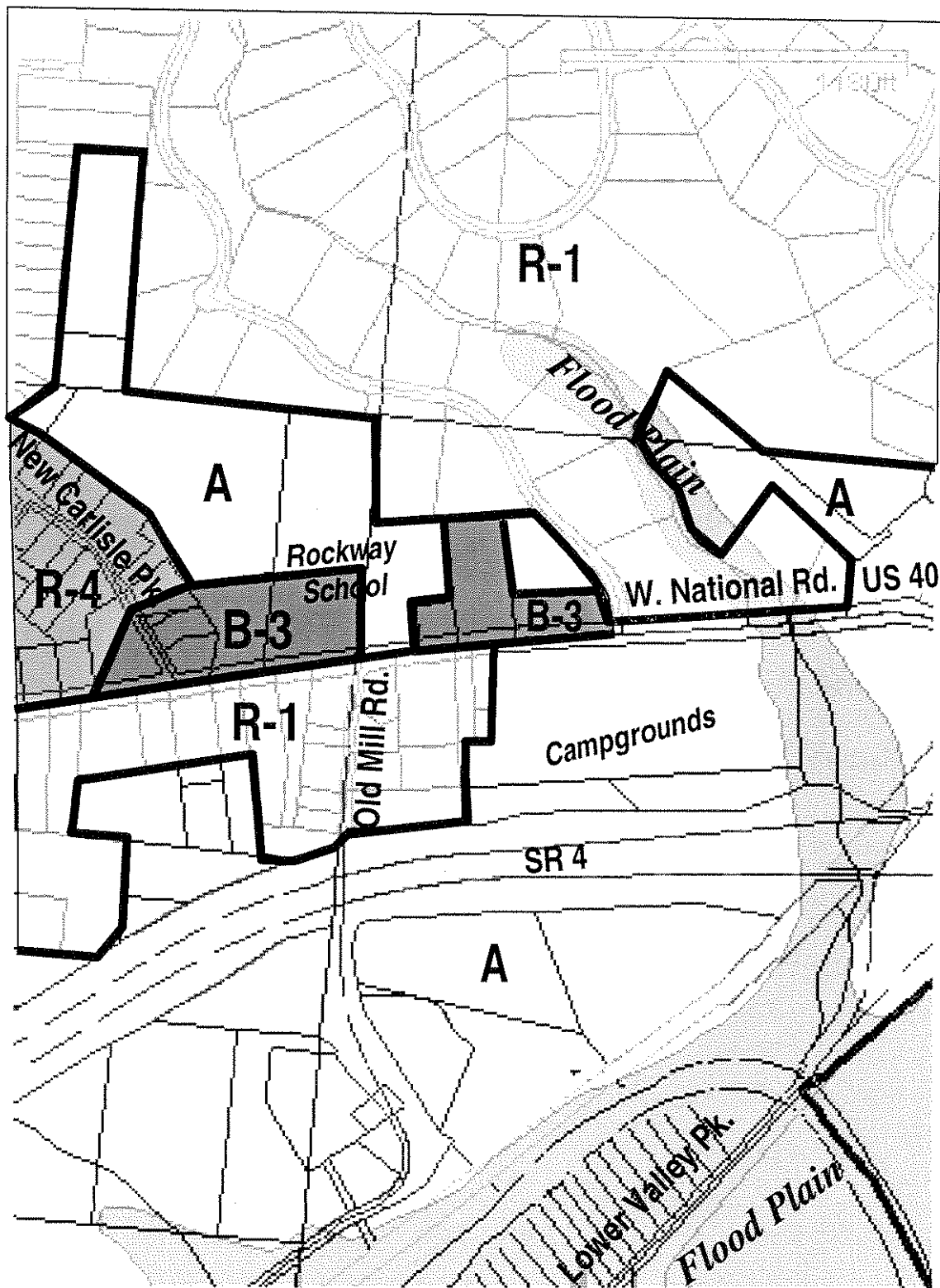


REZONING
B-3 to 'S'

2 ac.

3404 W. NATIONAL RD.
Springfield Twp.

ZONING MAP



REZONING
B-3 to 'S'

2 ac.

3404 W. NATIONAL RD.
Springfield Twp.

LOT PHOTO



REZONING
B-3 to 'S'

2 ac.

3404 W. NATIONAL RD.
Springfield Twp.

ARTICLE 15

“S” SPECIFIC USE CONTROL

Section 1500 Intent

There are certain limited circumstances under which the specific use control (S-District) may be allowed. The intent is to allow property which is being rezoned to be restricted to one or more uses of a particular zoning district where better control of its use is needed to ensure the health, morals, safety, prosperity, and general welfare of the community. This district is established to provide for a mixture of professional offices and other small offices which will maintain the residential appearance of the neighborhood and will not generate a great amount of traffic and/or noise. All requirements of the identified district and all other general requirements shall apply to the specific use or uses.

Procedures

- A. The specific use control may be implemented in the following manner:
 - 1. The property owner or lessee (or authorized agent) may state in the application for rezoning that the property shall be used for one or more specific uses and those uses only.
 - 2. The Township Zoning Commission may state that the property shall be used for one or more specific uses.
- B. The Specific Use Control is subject to the following:
 - 1. The rezoned property shall become effective thirty (30) days after the adoption of the rezone and specific use designation by the Township Trustees.
 - 2. All requirements of the district and all general requirements shall apply to “S” zoning.

Change of Use or Uses

If a property owner wishes to change the use or uses on a tract which is designated as “S” (Specific Use), an application for rezoning must be completed and filed which indicates either rezoning for another specific use or uses or rezoning to another zoning district without the “S” Specific Use Control. If the request is to change from one specific use to another specific use, the appropriate zoning district must be requested.

Memo

To: Shane Farnsworth, Central CEDA Regional Planning Commission

From: Rick Faris, Zoning Technician 

CC:

Date: 6/15/2005

Re: Amendments to the Springfield City Zoning Code

Attached are three proposed amendments to the City Zoning Code that were recommended by City Planning Board at their June 13, 2005 Meeting. Is it possible to have these placed on the July 7, 2005 Central CEDA Regional Planning Commission agenda?

Memo

To: Central Ceda Regional Planning Commission

From: Rick Faris, Zoning Technician RF

Date: June 15, 2005

Re: Zoning Code Amendment – Target or Shooting Ranges

Target and shooting ranges, both indoor and outdoor, are included within the Zoning Code's current definition of "Commercial recreational uses". They are permitted as a conditional use (requires review and approval by the Board of Zoning Appeals) in the CC-2, Community Commercial Districts, CB-10, Central Business District and CI-1, Intensive Commercial Districts. They are also permitted as a principal use (Board of Zoning Appeals approval is not required) in the CH-1, Highway Commercial District. The administrative staff of the Engineering and Planning Department believes that outdoor shooting ranges should be located outside the urban area of the city as city lots are smaller and closer together than in the county. Furthermore, the staff proposes that indoor shooting ranges be permitted only in the CH-1 district when a conditional use permit is approved by the Board of Zoning Appeals with separation requirements from certain uses as stated below and with certain minimum standards:

1121.04 Conditional Uses permitted.

(d) Indoor target or shooting ranges provided that the lot on which a target or shooting range is situated shall not abut nor be located within 100 feet of any school, church, or R district and provided that the minimum standards, which will be established within the codified ordinance, are met. Outdoor target and shooting ranges shall be prohibited.

The recommendation also includes removal of the words "target or shooting ranges" from the definition of "Commercial recreational uses"

Attachments: City Planning Board's recommendation, Zoning Code definition of "Commercial recreational use" and CH-1 uses.

MOTION SHEET

DATE: June 14, 2005

TO: City Commission

FROM: City Planning Board

SUBJECT: Zoning Code Amendment

REQUEST: To amend the Zoning Code regarding Target and Shooting Ranges

RECOMMENDED ACTION: 14 Day Ordinance

The following motion was made at the regular June 13, 2005, City Planning Board meeting:

MOTION: Motion was made by Ms. Juergens, seconded by Mr. Barnett, to recommend to City Commission approval of the request for the amendment to the Zoning Code for Target and Shooting Ranges.

VOTE: YEAS: Mr. Barnett, Mrs. VanGundy, Ms. Riley, Ms. Juergens, Mr. Easterday.

NAYS: Mr. Reed

ABSTAIN: None

Motion carried.

Respectfully submitted,



Rick Faris
Zoning Technician

lrm

Attachments: Staff Report

- (4) **Clinic, health services.** An office in which a group of practitioners and their allied professional assistants are associated for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons. A clinic may include a laboratory but not facilities for inpatient care or operating rooms for major surgery. See "Hospital."
- (5) **Club.** A meeting place of a nonprofit association or entity for a social, literary, political, educational, benevolent or recreational purpose and which is used primarily for the exclusive use of members and their guests. This definition does not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition also does not include a fraternity or sorority house, religious institution, nor an adult business.
- * (6) **Commercial recreational uses.** Facilities which are used primarily for physical exercise or entertainment and which include but are not limited to campgrounds, courts, gyms, swimming pools, locker and training rooms, ~~target or shooting ranges~~, amusement arcades, and billiard halls. This definition does not include massage parlors.
- (7) **Communication station.**
- (8) **Conditional use.** A principal or accessory use which is allowable when the provisions are met and when the facts and conditions specified elsewhere in this Code, as those upon which the exception is permitted, are found to exist by the Board of Zoning Appeals.
- (9) **Consignment store.** A retail establishment engaged in selling used merchandise such as clothing, furniture, books, shoes, or household appliances on consignment or a retail establishment engaged in selling donated used merchandise. In association with such stores, merchandise is brought to the establishment and processed such as by being marked, cleaned, sorted, and stored as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.
- (10) **Conversion.** Any change of one principal use to another principal use.
- (11) **CEDA Planning Commission.** A regional planning commission established by exercise of the City Planning Board's powers for a territory within the corporate boundaries of the City governed by a Cooperative Economic Development Agreement entered into pursuant to Section 701.07 of the Ohio revised Code.
(Ord. 03-288. Passed 8-19-03.)
- (12) **City Planning Board.** The City Planning Board of the City of Springfield, Ohio.
(Ord. 03-288. Passed 8-19-03.)
- (d) (1) **Day-care center.** A state licensed facility in which child day-care or publicly funded child day-care is provided for 13 or more children at one time or any place that is not the permanent residence of the person responsible for the daily operation of the facility in which child day-

CHAPTER 1121

CH-1 Highway Commercial District

1121.01	Purpose.	1121.05	Accessory uses permitted.
1121.02	Principal uses permitted.	1121.06	General provisions.
1121.03	Provisional uses permitted.	1121.07	Special provisions.
1121.04	Conditional uses permitted.		

1121.01 PURPOSE.

The Highway Commercial District (CH-1) is intended for the location of uses which cater to the motoring public. Accordingly, this district is appropriate in locations along highways, expressways or other major thoroughfares.

1121.02 PRINCIPAL USES PERMITTED.

A lot or building may be occupied by the following principal uses:

- (a) Automobile and truck oriented use.
- (b) Commercial recreational facility.
- (c) Hotel or motel.
- (d) Restaurant.
- (e) Wholesale trade and warehouse establishment.

1121.03 PROVISIONAL USES PERMITTED.

None.

1121.04 CONDITIONAL USES PERMITTED.

A lot or building may be occupied by the following conditional uses:

- (a) Public utility or public use.
- (b) School, specialized private instruction.
- (c) Used merchandise store, including an antique store and flea market. Small new items such as trinkets may be sold in conjunction with used merchandise up to 50 percent of gross sales.
(Ord. 03-244. Passed 7-8-03.)



1121.05 ACCESSORY USES PERMITTED.

There may be any accessory use.

Memo

To: Central Ceda Regional Planning Commission
From: Rick Faris, Zoning Technician RF
Date: June 15, 2005
Re: Zoning Code Amendment – Barber Shops and Beauty Parlors in the CO-1 District.

Barber Shops and Beauty Parlors are permitted in the C0-1, Commercial Office District as a Provisional Use when they meet the provision of being "Located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building."

In recent months it has been brought to the staff's attention that uses listed within the CO-1 Districts are similar to Barber Shops and Beauty Parlors and that the intent of the C0-1 District to have "compatible uses" would be observed if they were permitted as a conditional use reviewed and approved by the Board of Zoning Appeals.

Accordingly, staff proposes that Zoning Code Section 1116.04 be amended to include "(p) Barber Shops and Beauty Parlors."

At their June 14, 2005 meeting, the City Planning Board recommended approval of the proposed amendment with the change of the words "Barber Shops and Beauty Parlors" to "Barber Shops and Styling Salons." This change would include the C0-1 Districts Section 1116.03 which also includes the words "Barber Shops and Beauty Parlors." The staff concurs with the Board's proposed changes.

Attachment: Zoning Code Section 1116.03 and 1116.04

MOTION SHEET

DATE: June 14, 2005

TO: City Commission

FROM: City Planning Board

SUBJECT: Zoning Code Amendment

REQUEST: Amendment to the Zoning Code – Barber Shops and Beauty Parlor in the CO-1 District. Ms. Juergens asked that “Beauty Parlor” be updated to read “Styling Salon” since the term beauty parlor is outdated.

RECOMMENDED ACTION: 14 Day Ordinance

The following motion was made at the regular June 13, 2005, City Planning Board meeting:

MOTION: Motion was made by Ms. Juergens, seconded by Ms. Riley, to recommend to City Commission approval of the request for the Zoning Code amendment regarding Barber Shops and “Styling Salons” in the CO-1 as proposed and to change the words “Barber Shop and Beauty Salon” in Section 1116.03 (a) to “Barber Shop and Styling Salon”.

VOTE: Unanimous approval by roll call vote.

Respectfully submitted,



Rick Faris
Zoning Technician

lrm

Attachments: Staff Report

Memo

To: City Planning Board
From: Rick Faris, Zoning Technician RF
Date: June 8, 2005
Re: Zoning Code Amendment – Barber Shops and Beauty Parlors in the CO-1 District.

Barber Shops and Beauty Parlors are permitted in the CO-1, Commercial Office District as a Provisional Use when they meet the provision of being "Located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building."

In recent months it has been brought to the staff's attention that uses listed within the CO-1 Districts are similar to Barber Shops and Beauty Parlors and that the intent of the CO-1 District to have "compatible uses" would be observed if they were permitted as a conditional use reviewed and approved by the Board of Zoning Appeals.

Accordingly, staff proposes that Zoning Code Section 1116.04 be amended to include "(p) Barber Shops and Beauty Parlors."

Attachment: Zoning Code Section 1116.04

CHAPTER 1116

CO-1 Commercial Office District

1116.01	Purpose.	1116.05	Accessory uses permitted.
1116.02	Principal uses permitted.	1116.06	General provisions.
1116.03	Provisional uses permitted.	1116.07	Special provisions.
1116.04	Conditional uses permitted.		

1116.01 PURPOSE.

The Commercial Office District (CO-1) is intended to provide specific areas where office uses, compatible businesses, apartments, and certain public and semi-public uses may be developed. The CO-1 District is useful as a transitional zone between residential and more intensive commercial or industrial areas. Access to this district should be directly from an arterial or collector street and not through a residential district.

1116.02 PRINCIPAL USES PERMITTED.

A lot or building may be occupied by the following principal uses:

- (a) Club.
 - (b) Copy service establishment.
 - (c) Hospital.
 - (d) Meeting Hall.
 - (e) Nursing home.
 - (f) Office use, except for the following:
 - (1) Drive-in facility.
 - (2) Animal clinic.
 - (g) Optical, prosthetics, medical and dental supply store, limited to retail sales.
 - (h) Pharmacy limited to the retail sale of drugs and pharmaceutical products.
 - (j) Photographic studio.
 - (k) Financial institution.
 - (l) Family home.
- (Ord. 03-245. Passed 7-8-03.)

1116.03 PROVISIONAL USES PERMITTED.

A lot or building may be occupied by the following provisional uses:

- (a) Barber shop and beauty parlor when located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building.

- (b) Dwelling located above the ground floor of another principal use allowed in this district, provided the density shall not exceed one (1) dwelling unit per 1,800 square feet of lot area.
- (c) Florist shop when located within the same building of a principal use and having its access to the main entrance or to a central corridor of the building.
- (d) Religious institution subject to the requirements of Chapter 1135.

1116.04 CONDITIONAL USES PERMITTED.

A lot or building may be occupied by the following conditional uses:

- (a) Communication station and studio subject to the requirements of Chapter 1135.
- (b) Day-care center.
- (c) Drive-in facility associated with a financial institution.
- (d) Emergency housing, provided the minimum lot area shall be at least 300 square feet for each permanent resident and 200 square feet times the maximum permitted occupant load for guests.
(Ord. 02-177. Passed 4-16-02.)
- (e) Funeral home subject to the requirements of Chapter 1135.
- (f) Group care facility, provided the minimum lot area shall be at least 300
- (g) Helipad or helistop in conjunction with a hospital.
- (h) Laundromat.
- (i) Laundry and dry cleaning pick-up and delivery services establishment.
- (j) Public utility or public use, subject to the requirements of Chapter 1135.
- (k) Restaurant (does not include a drive-in restaurant).
- (l) Retail sale of merchandise as an accessory use in conjunction with an office of a professional person, provided the retail floor areas shall not exceed 10 percent of the total floor area. The areas of the retail floor area shall include all that space of a room or rooms in which merchandise is displayed.
- (m) School, specialized private instruction.
- (n) Museum together with specific, approved, related commercial operations to serve museum patrons (such as, by way of example, a museum store).
- (o) Art gallery together with specific, approved, related commercial operations to serve art gallery patrons (such as, by way of example, retail sale of art and framing studio.)
(Ord. 02-440. Passed 11-26-02.)

1116.05 ACCESSORY USES PERMITTED.

- (a) Nonresidential uses. For nonresidential uses permitted in this district, there may be any accessory use provided that:
 - (1) Fences are erected according to Chapter 1156.
 - (2) Off-street parking and loading are provided according to Chapters 1153 and 1154.
 - (3) Retail sale of merchandise shall be regulated as provided in Section 1116.04 above.
 - (4) Signs are erected according to Chapter 1155.

Memo

To: Central Ceda Regional Planning Commission
From: Rick Faris, Zoning Technician RF
Date: June 15, 2005
Re: Zoning Code Amendment – Computer controlled variable message electronic signs. (CCVMES)

The referenced signs are permitted by the Zoning Code with certain restrictions on how the messages change from one to another and the code prohibits messages or other items on the sign from flashing or simulating motion. The Code did not state a minimum amount of time that each message is readable; however, the Board of Zoning Appeals has made interpretations on two occasions that included a minimum time frame of eight (8) seconds that each message is readable. The staff recommends that the Board's interpretation be adopted into the Zoning Code requirements for CCVMES signs. Following is the section of the Code as it is with the proposed words and punctuation underlined:

Computer controlled variable message electronic signs shall be operated so that the method of change continues to be cross fade with simultaneous dissolve and appearance of messages and there shall be no left and right flow of messages, no up and down scrolling or otherwise traveling or flashing of items displayed on the sign. The message lighting shall consist of one color and the minimum time frame in which each message is readable shall be eight (8) seconds.

Attachment: City Planning Board's recommendation

MOTION SHEET

DATE: June 14, 2005
TO: City Commission
FROM: City Planning Board
SUBJECT: Zoning Code Amendment
REQUEST: Amendment to the Zoning Code concerning Computer Controlled Variable Message Electronic Signs.
RECOMMENDED ACTION: 14 Day Ordinance

The following motion was made at the regular June 13, 2005, City Planning Board meeting:

MOTION: Motion was made by Mr. Reed, seconded by Mr. Barnett, to recommend to City Commission approval of the request for the Zoning Code amendment regarding computer controlled variable message signs.

VOTE: YEAS: Mr. Barnett, Mrs. VanGundy, Ms. Riley, Ms. Juergens, Mr. Easterday.

NAYS: Mr. Reed.

ABSTAIN: None.

Motion carried.

Respectfully submitted,



Rick Faris
Zoning Technician

lrm

Attachments: Staff Report